

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS AN ADOPTED RULE

Short Title: Examination Requirements

Rule Numbers: §§283.4, 283.7, 283.8, 283.11

Statutory Authority: Texas Pharmacy Act, Chapter 551-569, Occupations Code:

- (1) Section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

Purpose: The amendments, if adopted, eliminate the provisions allowing individuals who are unable to obtain a social security number, to provide an individual taxpayer identification number in lieu of a social security number because a social security number is required in order to process criminal background checks. In addition, the amendments to §283.8, if adopted, implement provisions of S.B. 460 passed during the 84th Texas Legislative session allowing applicants to apply for a Texas pharmacist license who fail to achieve the minimum passing grade to retake the NAPLEX and MPJE examinations four additional times for a total of five times.

The Board reviewed and voted to propose the amendments during the February 2, 2016, meeting. The proposed amendments were published in the March 11, 2016, issue of the *Texas Register* at 41 TexReg 1789.

1 **CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

2 **22 TAC §§283.4, 283.7, 283.8, 283.11**

3 The Texas State Board of Pharmacy proposes amendments to §283.4, concerning Internship
4 Requirements, §283.7, concerning Examination Requirements, §283.8, concerning Reciprocity
5 Requirements, and §283.11, concerning Examination Retake Requirements. The amendments to
6 §§283.4, 283.7, and 283.8, if adopted, eliminate the provisions allowing individuals who are
7 unable to obtain a social security number to provide an individual taxpayer identification number
8 in lieu of a social security number because a social security number is required in order to
9 process criminal background checks. The amendments to §283.11, if adopted, implement
10 provisions of S.B. 460 passed during the 84th Texas Legislative session allowing applicants
11 apply for a Texas pharmacist license who fail to achieve the minimum passing grade to retake
12 the NAPLEX and MPJE examinations four additional times for a total of five times.

13 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year
14 period the rules are in effect, there will be no fiscal implications for state or local government as
15 a result of enforcing or administering the rules.

16 Ms. Dodson has determined that, for each year of the first five-year period the rules will be in
17 effect, the public benefit anticipated as a result of enforcing the amendments will ensure
18 individuals applying for a pharmacist license meet the requirements in order to conduct criminal
19 background checks and are allowed the appropriate number of times to retake licensing
20 examinations. There is no fiscal impact for individuals, small or large businesses, or to other
21 entities which are required to comply with these sections.

22 Written comments on the amendments may be submitted to Allison Vordenbaumen Benz, R.Ph.,
23 M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street,
24 Suite 3-600, Austin, Texas 78701, FAX (512) 305-6778. Comments must be received by 5 p.m.,
25 April 25, 2016.

26 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act
27 (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the
28 agency to protect the public through the effective control and regulation of the practice of
29 pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the
30 proper administration and enforcement of the Act.

31 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas
32 Occupations Code.

33 **§283.4. Internship Requirements.**

34 (a) Goals and competency objectives of internship.

35 (1) The goal of internship is for the pharmacist-intern to attain the knowledge, skills, and abilities
36 to safely, efficiently, and effectively provide pharmacist-delivered patient care to a diverse
37 patient population and practice pharmacy under the laws and regulations of the State of Texas.

38 (2) The following competency objectives are necessary to accomplish the goal of internship in
39 paragraph (1) of this subsection.

40 (A) Provides drug products. The pharmacist-intern shall demonstrate competence in determining
41 the appropriateness of prescription drug orders and medication orders; evaluating and selecting
42 products; and assuring the accuracy of the product/prescription dispensing process.

43 (B) Communicates with patients and/or patients' agents about prescription drugs. The
44 pharmacist-intern shall demonstrate competence in interviewing and counseling patients, and/or
45 the patients' agents, on drug usage, dosage, packaging, routes of administration, intended drug
46 use, and storage; discussing drug cautions, adverse effects, and patient conditions; explaining
47 policies on fees and services; relating to patients in a professional manner; and interacting to
48 confirm patient understanding.

49 (C) Communicates with patients and/or patients' agents about nonprescription products, devices,
50 dietary supplements, diet, nutrition, traditional nondrug therapies, complementary and alternative
51 therapies, and diagnostic aids. The pharmacist-intern shall demonstrate competence in
52 interviewing and counseling patients and/or patients' agents on conditions, intended drug use,
53 and adverse effects; assisting in and recommending drug selection; triaging and assessing the
54 need for treatment or referral, including referral for a patient seeking pharmacist-guided self-
55 care; providing information on medical/surgical devices and home diagnostic products; and
56 providing poison control treatment information and referral.

57 (D) Communicates with healthcare professionals and patients and/or patients' agents. The
58 pharmacist-intern shall demonstrate competence in obtaining and providing accurate and concise
59 information in a professional manner and using appropriate oral, written, and nonverbal
60 language.

61 (E) Practices as a member of the patient's interdisciplinary healthcare team. The pharmacist-
62 intern shall demonstrate competence in collaborating with physicians, other healthcare
63 professionals, patients, and/or patients' agents to formulate a therapeutic plan. The pharmacist-
64 intern shall demonstrate competence in establishing and interpreting data-bases, identifying
65 drug-related problems and recommending appropriate pharmacotherapy specific to patient needs,
66 monitoring and evaluating patient outcomes, and devising follow-up plans.

67 (F) Maintains professional-ethical standards. The pharmacist-intern is required to comply with
68 laws and regulations pertaining to pharmacy practice; to apply professional judgment; to exhibit
69 reliability and credibility in dealing with others; to deal professionally and ethically with
70 colleagues and patients; to demonstrate sensitivity and empathy for patients/care givers; and to
71 maintain confidentiality.

72 (G) Compounds. The pharmacist-intern shall demonstrate competence in using acceptable
73 professional procedures; selecting appropriate equipment and containers; appropriately preparing
74 compounded non-sterile and sterile preparations; and documenting calculations and procedures.
75 Pharmacist-interns engaged in compounding non-sterile preparations shall meet the training
76 requirements for pharmacists specified in §291.131 of this title (relating to Pharmacies
77 Compounding Non-sterile Preparations). Pharmacist-interns engaged in compounding sterile
78 preparations shall meet the training requirements for pharmacists specified in §291.133 of this
79 title (relating to Pharmacies Compounding Sterile Preparations).

80 (H) Retrieves and evaluates drug information. The pharmacist-intern shall demonstrate
81 competence in retrieving, evaluating, managing, and using the best available clinical and
82 scientific publications for answering a drug-related request in a timely fashion and assessing,
83 evaluating, and applying evidence based information to promote optimal health care. The
84 pharmacist-intern shall perform investigations on relevant topics in order to promote inquiry and
85 problem-solving with dissemination of findings to the healthcare community and/or the public.

86 (I) Manages general pharmacy operations. The pharmacist-intern shall develop a general
87 understanding of planning, personnel and fiscal management, leadership skills, and policy
88 development. The pharmacist-intern shall have an understanding of drug security, storage and
89 control procedures and the regulatory requirements associated with these procedures, and
90 maintaining quality assurance and performance improvement. The pharmacist-intern shall
91 observe and document discrepancies and irregularities, keep accurate records and document
92 actions. The pharmacist-intern shall attend meetings requiring pharmacy representation.

93 (J) Participates in public health, community service or professional activities. The pharmacist-
94 intern shall develop basic knowledge and skills needed to become an effective healthcare
95 educator and a responsible participant in civic and professional organizations.

96 (K) Demonstrates scientific inquiry. The pharmacist-intern shall develop skills to expand and/or
97 refine knowledge in the areas of pharmaceutical and medical sciences or pharmaceutical
98 services. This may include data analysis of scientific, clinical, sociological, and/or economic
99 impacts of pharmaceuticals (including investigational drugs), pharmaceutical care, and patient
100 behaviors, with dissemination of findings to the scientific community and/or the public.

101 (b) Hours requirement.

102 (1) The board requires 1,500 hours of internship for licensure. These hours may be obtained
103 through one or more of the following methods:

104 (A) in a board approved student internship program, as specified in subsection (c) of this section;

105 (B) in a board-approved extended-internship program as specified in subsection (d) of this
106 section; and/or

- 107 (C) graduation from a college/school of pharmacy after July 1, 2007. Persons graduating from
108 such programs shall be credited 1,500 hours or the number of hours actually obtained and
109 reported by the college; and/or
- 110 (D) internship hours approved and certified to the board by another state board of pharmacy.
- 111 (2) Pharmacist-interns participating in an internship may be credited no more than 50 hours per
112 week of internship experience.
- 113 (3) Internship hours may be used for the purpose of licensure for no longer than two years from
114 the date the internship is completed.
- 115 (c) College-/School-Based Internship Programs.
- 116 (1) Internship experience acquired by student-interns.
- 117 (A) An individual may be designated a student-intern provided he/she:
- 118 (i) submits an application to the board that includes the following information:
- 119 (I) name;
- 120 (II) addresses, phone numbers, date of birth, and social security number; ~~[however, if an~~
121 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
122 ~~number may be provided in lieu of a social security number along with documentation indicating~~
123 ~~why the individual is unable to obtain a social security number;]~~
- 124 (III) college of pharmacy and expected graduation date; and
- 125 (IV) any other information requested on the application.
- 126 (ii) is enrolled in the professional sequence of a college/school of pharmacy;
- 127 (iii) has successfully completed the first professional year and obtained a minimum of 30 credit
128 hours of work towards a professional degree in pharmacy; and
- 129 (iv) has met all requirements necessary for the board to access the criminal history records
130 information, including submitting fingerprint information and being responsible for all
131 associated costs.
- 132 (B) The terms of the student internship shall be as follows.
- 133 (i) The student internship shall be gained concurrent with college attendance, which may include:
- 134 (I) partial semester breaks such as spring breaks;

- 135 (II) between semester breaks; and
- 136 (III) whole semester breaks provided the student-intern attended the college/school in the
137 immediate preceding semester and is scheduled with the college/school to attend in the
138 immediate subsequent semester.
- 139 (ii) The student internship shall be obtained in pharmacies licensed by the board, federal
140 government pharmacies, or in a board-approved program.
- 141 (iii) The student internship shall be in the presence of and under the supervision of a healthcare
142 professional preceptor or a pharmacist preceptor.
- 143 (C) None of the internship hours acquired outside of a school-based program may be substituted
144 for any of the hours required in a college/school of pharmacy internship program.
- 145 (2) Expiration date for student-intern designation.
- 146 (A) The student-internship expires:
- 147 (i) if the student-intern voluntarily or involuntarily ceases enrollment, including suspension, in a
148 college/school of pharmacy;
- 149 (ii) the student-intern fails either the NAPLEX or Texas Pharmacy Jurisprudence Examinations
150 specified in this section; or
- 151 (iii) the student-intern fails to take either the NAPLEX or Texas Pharmacy Jurisprudence
152 Examinations or both within six calendar months after graduation.
- 153 (B) The executive director of the board, in his/her discretion may extend the term of the student
154 internship if administration of the NAPLEX or Texas Pharmacy Jurisprudence Examinations is
155 suspended or delayed.
- 156 (3) Texas colleges/schools of pharmacy internship programs.
- 157 (A) Intern-trainees and student-interns completing a board-approved Texas college/school-based
158 structured internship shall be credited the number of hours actually obtained and reported by the
159 college. No credit shall be awarded for didactic experience.
- 160 (B) No more than 600 hours of the required 1,500 hours may be obtained under a healthcare
161 professional preceptor except when a pharmacist-intern is working in a federal government
162 pharmacy.
- 163 (C) Individuals enrolled in the professional sequence of a Texas college/school of pharmacy may
164 be designated as a intern-trainee provided he/she:
- 165 (i) submits an application to the board that includes the following information:

- 166 (I) name;
- 167 (II) addresses, phone numbers, date of birth, and social security number; ~~[however, if an~~
168 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
169 ~~number may be provided in lieu of a social security number along with documentation indicating~~
170 ~~why the individual is unable to obtain a social security number;]~~
- 171 (III) college of pharmacy and expected graduation date; and
- 172 (IV) any other information requested on the application.
- 173 (ii) is enrolled in the professional sequence of a college/school of pharmacy; and
- 174 (iii) has met all requirements necessary for the board to access the criminal history records
175 information, including submitting fingerprint information and being responsible for all
176 associated costs. Such internship shall remain in effect during the time the intern-trainee is
177 enrolled in the first year of the professional sequence and shall expire upon completion of the
178 first year of the professional sequence or upon separation from the professional sequence.
- 179 (d) Extended-internship program.
- 180 (1) A person may be designated an extended-intern provided he/she has met one of the following
181 requirements:
- 182 (A) passed NAPLEX and the Texas Pharmacy Jurisprudence Examinations but lacks the required
183 number of internship hours for licensure;
- 184 (B) applied to the board to take the NAPLEX and Texas Jurisprudence Examinations within six
185 calendar months after graduation and has:
- 186 (i) graduated and received a professional degree from a college/school of pharmacy; or
- 187 (ii) completed all of the requirements for graduation and receipt of a professional degree from a
188 college/school of pharmacy;
- 189 (C) applied to the board to take the NAPLEX and Texas Jurisprudence Examinations within six
190 calendar months after obtaining full certification from the Foreign Pharmacy Graduate
191 Equivalency Commission;
- 192 (D) applied to the board for re-issuance of a pharmacist license which has expired for more than
193 two years but less than ten years and has successfully passed the Texas Pharmacy Jurisprudence
194 Examination, but lacks the required number of hours of internship or continuing education
195 required for licensure;
- 196 (E) is a resident in a residency program accredited by the American Society of Health-System
197 Pharmacists in the state of Texas; or

198 (F) been ordered by the Board to complete an internship.

199 (2) In addition to meeting one of the requirements in paragraph (1) of this subsection, an
200 applicant for an extended-internship must:

201 (A) submit an application to the board that includes the following information:

202 (i) name;

203 (ii) addresses, phone numbers, date of birth, and social security number; [~~however, if an~~
204 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
205 ~~number may be provided in lieu of a social security number along with documentation indicating~~
206 ~~why the individual is unable to obtain a social security number;~~]

207 (iii) any other information requested on the application; and

208 (B) meet all requirements necessary for the board to access the criminal history records
209 information, including submitting fingerprint information and being responsible for all
210 associated costs.

211 (3) The terms of the extended-internship shall be as follows.

212 (A) The extended-internship shall be board-approved and gained in a pharmacy licensed by the
213 board, or a federal government pharmacy participating in a board-approved internship program.

214 (B) The extended-internship shall be in the presence of and under the direct supervision of a
215 pharmacist preceptor.

216 (4) The extended internship remains in effect for two years. However, the internship expires
217 immediately upon:

218 (A) the failure of the extended-intern to take the NAPLEX and Texas Pharmacy Jurisprudence
219 Examinations within six calendar months after graduation or FPGEC certification;

220 (B) the failure of the extended-intern to pass the NAPLEX and Texas Pharmacy Jurisprudence
221 Examinations specified in this section;

222 (C) upon termination of the residency program; or

223 (D) obtaining a Texas pharmacist license.

224 (5) The executive director of the board, in his/her discretion may extend the term of the extended
225 internship if administration of the NAPLEX and/or Texas Pharmacy Jurisprudence Examinations
226 is suspended or delayed.

227 (6) An applicant for licensure who has completed less than 500 hours of internship at the time of
228 application shall complete the remainder of the 1,500 hours of internship and have the preceptor
229 certify that the applicant has met the objectives listed in subsection (a) of this section.

230 (e) Pharmacist-intern identification.

231 (1) The board shall provide the pharmacist-intern written documentation of designation as a
232 pharmacist-intern. This written documentation serves as identification and authorization to
233 perform the duties of a pharmacist-intern as described in §283.5 of this title (relating to
234 Pharmacist-Intern Duties).

235 (2) Pharmacist-interns shall keep this written documentation with them at all times they are
236 serving as a pharmacist-intern and make it available for inspection by board agents.

237 (3) All pharmacist-interns shall wear an identification tag or badge which bears the person's
238 name and identifies him or her as a pharmacist-intern.

239 (f) Change of address and/or name.

240 (1) Change of address. A pharmacist-intern shall notify the board electronically or in writing
241 within 10 days of a change of address, giving the old and new address.

242 (2) Change of name. A pharmacist-intern shall notify the board in writing within 10 days of a
243 change of name by:

244 (A) sending a copy of the official document reflecting the name change (e.g., marriage
245 certificate, divorce decree, etc.);

246 (B) returning the current pharmacist-intern certificate which reflects the previous name; and

247 (C) paying a fee of \$20.

248 (g) Duplicate or amended certificate. The fee for issuance of a duplicate or amended pharmacist-
249 intern registration certificate shall be \$20.

250 **§283.7. Examination Requirements.**

251 Each applicant for licensure by examination shall pass the Texas Pharmacy Jurisprudence
252 Examination and the NAPLEX. The examination requirements shall be as follows:

253 (1) Prior to taking the required examination, the applicant shall:

254 (A) meet the educational and age requirements as set forth in §283.3 of this title (relating to
255 Educational and Age Requirements);

- 256 (B) meet all requirements necessary in order for the Board to access the criminal history record
257 information, including submitting fingerprint information and being responsible for all
258 associated costs; and
- 259 (C) submit an application to the board that includes the following information:
- 260 (i) name;
- 261 (ii) addresses, phone numbers, date of birth, and social security number; [~~however, if an~~
262 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
263 ~~number may be provided in lieu of a social security number along with documentation indicating~~
264 ~~why the individual is unable to obtain a social security number;~~] and
- 265 (iii) any other information requested on the application.
- 266 (2) All applicants shall pass NAPLEX, which includes, at a minimum, the following subject
267 areas:
- 268 (A) chemistry;
- 269 (B) mathematics;
- 270 (C) pharmacy;
- 271 (D) pharmacology; and
- 272 (E) practice of pharmacy.
- 273 (3) Effective October 1, 1979, the following requirements apply.
- 274 (A) To pass NAPLEX, an applicant shall make the following grades:
- 275 (i) a minimum grade of 60 on chemistry, mathematics, pharmacy, and pharmacology test;
- 276 (ii) a minimum grade of 75 on the practice of pharmacy test; and
- 277 (iii) a minimum average grade of 75 on the NAPLEX.
- 278 (B) Should the applicant fail to achieve a minimum grade of 60 in any of the tests set out in
279 paragraph (2)(A) - (E) of this section or fail to achieve a minimum grade of 75 in the practice of
280 pharmacy test or fail to achieve a minimum average grade of 75 in the NAPLEX, such applicant,
281 in order to be licensed, is required to retake all tests until such time as the minimum average
282 grades are achieved.
- 283 (4) Effective June 1, 1986, the following requirements apply.

- 284 (A) To pass the NAPLEX, an applicant shall make a minimum average grade of 75.
- 285 (B) Should the applicant fail to achieve a minimum average grade of 75 in the NAPLEX, such
286 applicant, in order to be licensed, shall retake the NAPLEX, as specified in §283.11 of this title
287 (relating to Examination Retake Requirements) until such time as a minimum average grade of
288 75 is achieved.
- 289 (5) To pass the Texas Pharmacy Jurisprudence Examination, an applicant shall make a minimum
290 grade of 75. Should the applicant fail to achieve a minimum grade of 75 on the Texas Pharmacy
291 Jurisprudence Examination, such applicant, in order to be licensed, shall retake the Texas
292 Pharmacy Jurisprudence Examination as specified in §283.11 of this title until such time as a
293 minimum average grade of 75 is achieved.
- 294 (6) A passing grade on an examination may be used for the purpose of licensure for a period of
295 two years from the date of passing the examination.
- 296 (7) Each applicant for licensure by examination utilizing NAPLEX scores transferred from
297 another state shall meet the following requirements for licensure in addition to the requirements
298 set out in paragraphs (1) - (6) of this section.
- 299 (A) The applicant shall request NABP to transfer NAPLEX scores to the board. Such request
300 shall be in accordance with NABP policy.
- 301 (B) The applicant shall pay the fee set out in §283.9 of this title.
- 302 (8) The NAPLEX and Texas Pharmacy Jurisprudence Examination shall be administered in
303 compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.)
304 and in accordance with NABP policy.
- 305 (9) The board, in accordance with NABP policy, shall provide reasonable accommodations for
306 an applicant diagnosed as having dyslexia, as defined in §51.970, Texas Education Code. The
307 applicant shall provide:
- 308 (A) written documentation from a licensed physician which indicates that the applicant has been
309 diagnosed as having dyslexia; and
- 310 (B) a written request outlining the reasonable accommodations requested.
- 311 **§283.8. Reciprocity Requirements.**
- 312 (a) All applicants for licensure by reciprocity shall:
- 313 (1) meet the educational and age requirements specified in §283.3 of this title (relating to
314 Educational and Age Requirements);

315 (2) meet all requirements necessary in order for the board to access the criminal history record
316 information, including submitting fingerprint information and being responsible for all
317 associated costs;

318 (3) complete the Texas and NABP applications for reciprocity. Any fraudulent statement made in
319 the application for reciprocity is grounds for denial of the application; if such application is
320 granted, any fraudulent statement is grounds for suspension, revocation, and/or cancellation of
321 any license so granted by the board. The Texas application includes the following information:

322 (A) name;

323 (B) addresses, phone numbers, dates of birth, and social security numbers; ~~[however, if an~~
324 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
325 ~~number may be provided in lieu of a social security number along with documentation indicating~~
326 ~~why the individual is unable to obtain a social security number;]~~ and

327 (C) any other information requested on the application.

328 (4) shall present to the board proof of initial licensing by examination and proof that their current
329 license and any other license or licenses granted to the applicant by any other state have not been
330 suspended, revoked, canceled, surrendered, or otherwise restricted for any reason; and

331 (5) shall pass the Texas Pharmacy Jurisprudence Examination with a minimum grade of 75. (The
332 passing grade may be used for the purpose of licensure by reciprocity for a period of two years
333 from the date of passing the examination.) Should the applicant fail to achieve a minimum grade
334 of 75 on the Texas Pharmacy Jurisprudence Examination, such applicant, in order to be licensed,
335 shall retake the Texas Pharmacy Jurisprudence Examination as specified in §283.11 of this title
336 (relating to Examination Retake Requirements) until such time as a minimum grade of 75 is
337 achieved.

338 (b) A reciprocity applicant originally licensed after January 1, 1978, and who has graduated and
339 received a professional degree from a college of pharmacy, shall show proof such applicant has
340 passed the NAPLEX or equivalent examination based on criteria no less stringent than the
341 criteria in force in Texas.

342 (c) A reciprocity applicant who is a foreign pharmacy graduate shall provide written
343 documentation that such applicant has:

344 (1) obtained full certification from the FPGEC; and

345 (2) passed NAPLEX or equivalent examination based on criteria no less stringent than the
346 criteria in force in Texas.

347 (d) An applicant is not eligible for licensing by reciprocity unless the state in which the applicant
348 is currently or was initially licensed as a pharmacist also grants reciprocal licensing to
349 pharmacists duly licensed by examination in this state, under like circumstances and conditions.

350 §283.11. Examination Retake Requirements.

351 (a) Licensing by examination. Should an applicant fail to achieve the minimum grade on the
352 NAPLEX or Texas Pharmacy Jurisprudence Examination or both, the following is applicable.

353 (1) If the applicant fails to achieve the minimum grade on NAPLEX as specified in §283.7 of
354 this title (relating to Examination Requirements), the applicant may retake NAPLEX four [~~two~~]
355 additional times for a total of five [~~three~~] exam administrations. Prior to any subsequent retakes
356 of NAPLEX, the applicant must:

357 (A) request in writing an analysis of the applicant's performance on the most recent NAPLEX
358 and provide this analysis to the Examination Retake Committee;

359 (B) complete college course work in subject areas recommended by the Examination Retake
360 Committee;

361 (C) submit documentation from the Examination Retake Committee which specifies that the
362 applicant has successfully completed the course work specified; and

363 (D) comply with the requirements of §283.7 of this title (relating to Examination Requirements).

364 (2) If the applicant fails to achieve the minimum grade on the Texas Pharmacy Jurisprudence
365 Examination as specified in §283.7 of this title (relating to Examination Requirements), the
366 applicant may retake the examination four [~~two~~] additional times for a total of five [~~three~~] exam
367 administrations. Prior to any subsequent retake of the Texas Pharmacy Jurisprudence
368 Examination, the applicant must:

369 (A) request in writing an analysis of the applicant's performance on the most recent Texas
370 Pharmacy Jurisprudence Examination and provide this analysis to the Examination Retake
371 Committee;

372 (B) complete college course work recommended by the Examination Retake Committee;

373 (C) submit documentation from the Examination Retake Committee which specifies that the
374 applicant has successfully completed the recommended college course work; and

375 (D) comply with the requirements of §283.7 of this title (relating to Examination Requirements).

376 (3) If the applicant fails to achieve the minimum grade on both NAPLEX and the Texas
377 Pharmacy Jurisprudence Examination, the applicant shall retake the examinations until a passing
378 grade is achieved on one of the examinations. Such retakes shall be as specified in paragraphs (1)
379 and (2) of this subsection.

380 (b) Licensing by reciprocity. If an applicant fails to achieve the minimum grade on the Texas
381 Pharmacy Jurisprudence Examination as specified in §283.8 of this title (relating to Reciprocity
382 Requirements), the applicant may retake the examination four [~~two~~] additional times for a total

383 of five [~~three~~] exam administrations. Prior to any subsequent retake of the Texas Pharmacy
384 Jurisprudence Examination, the applicant must:

385 (1) request in writing an analysis of the applicant's performance on the most recent Texas
386 Pharmacy Jurisprudence Examination and provide this analysis to the Examination Retake
387 Committee;

388 (2) complete college course work recommended by the Examination Retake Committee;

389 (3) submit documentation from the Examination Retake Committee which specifies that the
390 applicant has successfully completed the recommended college course work; and

391 (4) comply with the requirements of §283.8 of this title (relating to Reciprocity Requirements).

392 (c) Examination Retake Committee. The board shall appoint one representative from each Texas
393 college/school of pharmacy and one current board member to serve on the Examination Retake
394 Committee. The Examination Retake Committee shall:

395 (1) meet as necessary but no more than twice each calendar year;

396 (2) review the analysis of an applicant's performance on failed examination(s);

397 (3) recommend college course work which the applicant must successfully complete before the
398 applicant may retake the examination(s);

399 (4) specify the requirements for completion of the recommended college course work and the
400 documentation required to validate successful completion of the recommended college course
401 work; and

402 (5) once the applicant has met the requirements set out by the committee, certify to the board that
403 the applicant has successfully completed the required college course work.

404 (d) College course work. For the purpose of this subsection, college course work shall be:

405 (1) one or more standard courses or self-paced work offered in a college of pharmacy's academic
406 program; or

407 (2) one or more courses presented by a board-approved provider of continuing pharmacy
408 education as specified in §295.8 of this title (relating to Continuing Education Requirements); or

409 (3) any course specified by the Examination Retake Committee.

410